

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff                    )  
v.                             )                      **Case No. 1:08cr62 (GBL)**  
                                  )  
GONS GUTIERREZ NACHMAN, )  
                                  )  
Defendant.                  )

**DEFENDANT'S MOTION FOR AN ORDER REQUIRING  
THE GOVERNMENT TO GIVE NOTICE OF ITS INTENT TO  
USE OTHER CRIMES, WRONGS OR ACTS EVIDENCE**

NOW COMES Defendant, by and through his undersigned counsel, and hereby moves this Honorable Court for an Order pursuant to Fed. R. Crim. P. 12(d) and Fed. R. Evid. 104(a) and (c) requiring the government to give notice of its intention to utilize the following during its case-in-chief, cross-examination or rebuttal case:

1. Evidence of “other crimes, wrongs or acts” of Defendant as the phrase is used in Fed. R. Evid. 404(b). In regard to such notice, the government should identify and describe: (a) the dates, times, places and persons involved in such other crimes, wrongs or acts, (b) the statements of each participant in such other crimes, wrongs or acts, (c) the documents which contain evidence of other crimes, wrongs or acts including when the documents were prepared, who prepared them and who has possession of them, (d) copies of audio and/or video recordings of such crimes, wrongs or acts, and (e) the bases or issues on which the government believes such crimes, wrongs or acts is relevant within Fed. R. Evid. 404(b).

2. Evidence of "specific instances of conduct" of Defendant as the phrase is used in FED. R. Evid. 608(b). In regard to such notice, the government should identify and describe: (a) the dates, times, places and persons involved in said specific acts of misconduct, (b) the statement of each participant in said specific acts of misconduct, and (c) the documents which contain evidence of such specific acts of misconduct, including when the documents were prepared, who prepared them and who has possession of them.
3. For purposes of continuing disclosure and to put the government on specific notice, Defendant requests the Court enter an Order directing the government to disclose the above requested information at least four (4) weeks prior to trial to allow Defendant an adequate opportunity to investigate and respond to this evidence.

Respectfully submitted,

GONS GUTIERREZ NACHMAN

By: /s/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of March, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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/s/  
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